Military Police Complaints Commission

Commission d'examen des plaintes concernant la police militaire

ANNUAL REPORT 2013

ACCOUNTABILITY, TRANSPARENCY AND PROFESSIONALISM IN ACTION

Canada

For an electronic version of the publication, please consult the Military Police Complaints Commission's website at mpcc-cppm.gc.ca

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Catalogue No. DP1-2013

ISSN 1700-6627

LETTER OF TRANSMISSION TO THE MINISTER

March 31, 2014

The Honourable Robert Nicholson
Minister of National Defence
National Defence Headquarters
MGen George R. Pearkes Building
Ottawa, Ontario K1A 0K2

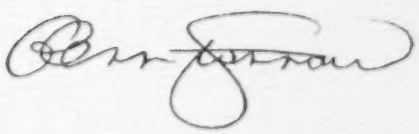
Dear Minister:

In accordance with subsection 250.17(1) of the *National Defence Act*, it is my duty and privilege to submit for tabling in Parliament the Military Police Complaints Commission's (the Commission) Annual Report for 2013.

In this Annual Report, you will find a detailed discussion of all significant aspects of the Commission's activities during 2013, including summaries of some of its reviews and investigations of complaints.

All of which is respectfully submitted.

Yours truly,



Glenn M. Stannard, O.O.M.
Chairperson

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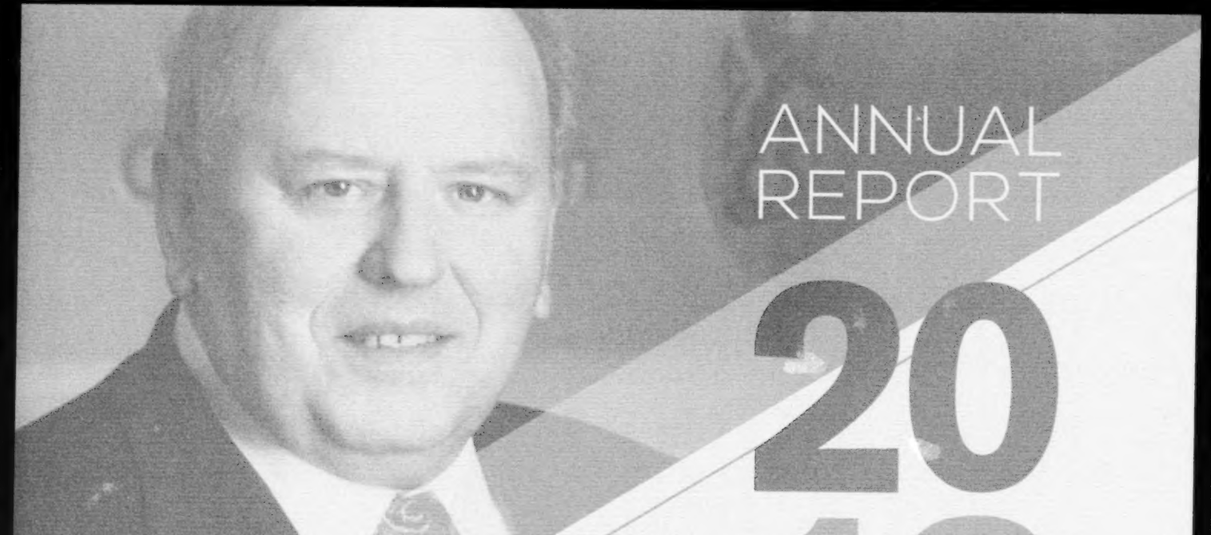


ANNUAL REPORT 2013

CHAIRPERSON'S MESSAGE

I am pleased to present the 2013 Annual Report for the Military Police Complaints Commission (the Commission). This year's theme is "Accountability, Transparency and Professionalism in Action".

Over the past year, the Commission has made great strides toward advancing its oversight mandate. This forward momentum includes an unprecedented workload for a complex Public Interest Hearing (PIH), voluminous and complex conduct and interference complaints and other issues, including legislative renewal. In support of a growing workload, the Commission has continued to advance its organizational needs to address and meet its accountability and transparency obligations to government and central agencies. As with previous years, the corporate demands are extraordinarily resource and time-intensive undertakings, and require a great deal of professionalism on the part of Commission Members and staff.

The Fynes PIH related to the death of Corporal (Cpl.) Stuart Langridge following a complaint filed by his parents, Mr. and Mrs. Fynes, continues to progress. Over the course of 62 hearing days, the Commission heard evidence from 90 witnesses from across Canada and abroad. Transcripts from the hearing totaled over 12,500 pages. In addition, the Commission examined thousands of documents in its investigation of the Fynes complaint. The Commission heard final oral closing submissions by the Parties on January 9, 2013, and has since been reviewing the entirety of the evidence and analyzing and drafting the Interim Report. The Commission will issue the Interim Report in early 2014.

Bill C-15, *Strengthening Military Justice in the Defence of Canada Act*, tabled in the House of Commons on October 7, 2011, was passed as law in June 2013. The Commission made extensive submissions to safeguard the independence of Military Police (MP) investigations from potential interference by the chain of command. While our position on this issue did not prevail, I am pleased with other aspects of the Act, such as the recognition of the Canadian Forces Provost Marshal's (CFPM) role and provisions against reprisals made for those making complaints. The Commission will monitor the implementation of the Act.

On March 20th and 21st, 2013, the Commission held a two-day Operations Workshop. This interactive forum involved the Chairperson, Commission Members, Legal staff, Investigators and Registry officials, along with some guests from the MP and the Department of National Defence (DND) communities. Commission staff from Corporate Services also participated in sessions relevant to their specific duties. This was an opportunity to discuss the Commission's activities during the past year and to review its processes, administrative practices and key issues. The discussion was broad-based and very well-received by all participants. The Commission was also pleased the Deputy MP and his professional standards staff attended and presented on their own processes and practices. This provided an excellent opportunity to discuss issues of common concern.

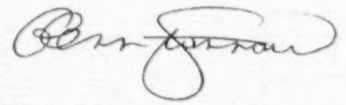
At an official ceremony at Connaught Ranges on August 23, 2013, the Commission bids farewell to Colonel (Col.) Timothy Grubb as CFPM, when he assumed a new role overseeing security policy for the DND, as Departmental Security Officer. For the last four years, Col. Grubb skillfully led the Military Police Group through an unprecedented period of change and reorganization during challenging times. I would like to take this opportunity to acknowledge and thank Col. Grubb for his many years of dedicated work with the Military Police and for his collaboration with the Commission.

I would also like to welcome Col. Rob Delaney in his new role as CFPM. Col. Delaney brings a wealth of knowledge and experience which is ideally suited for his new role leading the Military Police Group. I look forward to working with Col. Delaney and ongoing collaboration between the Military Police Group and Commission staff.

Throughout this past year, staff of the Commission consistently demonstrated a spirit of integrity, mutual respect, cooperation and collaboration while juggling an unparalleled workload. I would like once again to pay tribute to their continued professionalism and efforts to maintain a positive working environment.

The knowledge and expert contributions of the Commission Members have assisted the Commission in fulfilling its oversight mandate, as has their valuable participation in our Outreach Program at eight Canadian Armed Forces bases which included visits with MP members, Military Family Resource Centers, CAF chain of command across Canada and at the CAF MP Academy in Borden, Ontario.

In closing, I remain committed to advancing the important work of the Commission to provide civilian oversight of Canada's MP in a manner that continues to be effective, efficient and fair to all concerned.



Glenn M. Stannard, O.O.M.
Chairperson

PART 1

OVERVIEW

i) Military Police Complaints Commission

The Military Police Complaints Commission (the Commission) was established by the Government of Canada to provide independent civilian oversight of the Canadian Forces Military Police (MP), effective December 1, 1999. This was achieved through an amendment to the *National Defence Act* (NDA), creating a new Part IV which sets out the mandate of the Commission and how complaints are to be handled. As stated in Issue Paper No. 8, which accompanied the Bill that created the Commission, its role is "to provide for greater public accountability by the military police and the chain of command in relation to military police investigations".

ii) Mandate and Mission

Mandate: The Commission reviews and investigates complaints concerning Military Police (MP) conduct and investigates allegations of interference in MP investigations. The Commission reports its findings and makes recommendations directly to the MP and National Defence leadership.

Mission: To promote and ensure the highest standards of conduct of MP in the performance of policing duties and to discourage interference in any MP investigation.

The Commission fulfils its mandate and mission by exercising the following responsibilities:

- Monitoring investigations by the Canadian Forces Provost Marshal (CFPM) of MP conduct complaints;
- Reviewing the disposition of those complaints at the request of the complainant;
- Investigating complaints of interference; and
- Conducting public interest investigations and hearings.

> *"To promote and ensure the highest standards of conduct of military police in the performance of policing duties and to discourage interference in any MP investigation."*
>
> — Mission Statement of the Commission

iii) Organizational Background

The Commission is one of 12 organizations in the Defence Portfolio. While it reports to Parliament through the Minister of National Defence (MND), the Commission is both administratively and legally independent from the Department of National Defence (DND) and the Canadian Armed Forces (CAF). The Commission is not subject to direction from the MND in respect of its operational mandate.

The Commission is an independent Federal government institution as defined under Schedule I.1 of the *Financial Administration Act* (FAA). As an independent oversight agency, the Commission must operate at a distance and with a degree of autonomy from government, including the DND and the CAF. All members of the Commission are civilians and are independent of the DND and the CAF in fulfilling their responsibilities and accountabilities in accordance with governing legislation, regulations and policies.

Tribunal decisions and Commission operations and administration must also be, and be seen to be, free from ministerial influence, other than seeking the signature of the MND, as the Minister responsible to table the Commission's Reports on Plans and Priorities, Departmental Performance Reports, Annual Reports to Parliament, and other accountability documents such as Memoranda to Cabinet and Treasury Board Submissions.

Designated as Chief Executive Officer (CEO) of the Commission, the Chairperson is accountable for all Commission activities and for the achievement of results. Based on the Terms and Conditions of Employment for Full-Time Governor in Council (GIC) Appointees, the Chairperson has been designated as CEO, statutory deputy head or "Deputy Head" as defined by the FAA and as designated through the GIC.

As Deputy Head, the Chairperson is accountable to Parliament for fulfilling management responsibilities, including financial management. This includes accountability for: allocating resources to deliver Commission programs and services in compliance with governing legislation, regulations and policies; exercising authority delegated by the Public Service Commission for human resources; maintaining effective systems of internal controls; signing accounts in a manner that accurately reflects the financial position of the Commission; and exercising any and all other duties prescribed by legislation, regulations or policies relating to the administration of the Commission.

iv) The Canadian Forces Provost Marshal and the Deputy Commander, Canadian Forces Military Police Group/ Professional Standards (Deputy Commander of the CF MP Gp/PS)

On April 1, 2011, the CFPM assumed full command of all MP members who are directly involved in policing. The CFPM also assigns MP elements to other supported commanders under operational command.

The Deputy Commander of the CF MP Gp manages public complaints and internal MP misconduct investigations and ensures adherence to the *Military Police Professional Code of Conduct*.

The CFPM is responsible in the first instance for dealing with complaints about MP conduct. The Commission has the authority to monitor the steps taken by the CFPM as it responds to complaints,

From left: Colonel Robert P. Delaney, Canadian Forces Provost Marshal; Vice-Admiral Bruce Donaldson, former Vice Chief of the Defence Staff; and Colonel Timothy D. Grubb, outgoing Canadian Forces Provost Marshal, sign the Change of Command certificates during a ceremony held at Connaught Ranges on August 23, 2013.

and to conduct its own reviews and investigations, as required. The Commission has the exclusive authority to deal with interference complaints.

Commission recommendations for improvements, contained in its Interim and Final Reports, are not binding on the CAF and the DND. However, such recommendations do provide the opportunity to further enhance transparency and accountability.

Detailed information on the conduct and interference complaints processes is contained in later sections of this report.

v) The Military Police

The CAF MP Branch was formed in 1968 with the unification of the CAF. MP members were allocated to the Army, Navy and Air Force. The stated Mission of the CAF MP is to contribute to the effectiveness and readiness of the CAF and the DND through the provision of professional police, security and operational support services worldwide.

The MP Branch is comprised of 2,000 plus personnel: 650 reservists and 1,400 sworn, credentialed members (officers and non-commissioned members), i.e., those members who are entitled to be in possession of an MP badge and identification card and thus peace officers by virtue of the *Queen's Regulations and Orders for the CAF* article 22.02, NDA s. 156 and *Criminal Code* s. 2.

The MP exercise jurisdiction within the CAF, over both the DND employees and civilians on DND property. The MP form an integral part of the military justice system in much the same way as civilian police act within the civilian criminal justice system. MP routinely train and work with their civilian counterparts in the provision of police and security services to the CAF and the DND.

The MP are granted certain powers under the NDA in order to fulfill their policing duties. For example, MP have the power to arrest, detain and search. The *Criminal Code* recognizes members of the MP as peace officers. They can make arrests and lay charges for offences pursuant to the NDA and the *Criminal Code*, and lay charges in civilian criminal courts.

vi) Conduct Complaints Process

Conduct Complaint Filed
Anyone may make a conduct complaint regarding the MP in the performance of their policing duties or functions, including those individuals not directly affected by the subject matter of the complaint. Such complaints are initially dealt with by the CFPM. Informal resolution is encouraged.

Complaint Investigated by the CFPM
As the CFPM investigates a complaint, the Commission monitors the process. At the conclusion of the investigation, the CFPM provides a copy of its final disposition of the complaint to the Commission. The Commission may, at any time during the CFPM investigation, assume responsibility for the investigation or call a public hearing if it is deemed to be in the public interest.

Request for Review
Complainants may request the Commission review the complaint if they are not satisfied with the results of the CFPM's investigation or disposition of the complaint.

Commission Reviews Complaint
At a minimum, this process involves a review of documentation related to the CFPM's investigation. Most often, it also includes interviews with the complainant, the subject of the complaint, and witnesses, as well as reviews of relevant legislation, and military and civilian police policies and procedures.

Commission Releases Interim Report
At the completion of the review, the Chairperson sends the Interim Report to the MND, the Chief of the Defence Staff (CDS) and the CFPM setting out the findings and recommendations regarding the complaint.

Notice of Action
The Notice of Action is the official response by the CAF to the Interim Report and it outlines what action, if any, has been or will be taken in response to the Commission's recommendations.

Commission Releases Final Report
After considering the Notice of Action, the Commission issues a Final Report of findings and recommendations. The Final Report is provided to the MND, the Deputy Minister (DM), the CDS, the Judge Advocate General (JAG), the CFPM, the complainant and the subject(s) of the complaint, as well as anyone who has satisfied the Commission they have a substantial and direct interest in the case.

How the Commission carries out its reviews and investigations of conduct complaints

In response to a request from a complainant for a review, the Commission follows the steps described below:

- Commission legal counsel conducts a preliminary review of the request for review and then briefs the Chairperson, who determines how to respond to the request, whether an investigation is required, the scope of the investigation warranted and how to approach the investigation. The Chairperson may also delegate a Commission Member to handle the file.
- A lead investigator is assigned and, with Commission legal counsel, reviews the evidence and other materials gathered during the CFPM's investigation of the complaint – this could be hundreds of pages of documents, emails, handwritten notes and reports, and many hours of audio and video interviews with witnesses.
- The lead investigator prepares an Investigation Plan, setting out the goals, timelines and budget for the investigation, as well as the lines of inquiry to be pursued, all of which must be approved by the Chairperson or a delegated Commission Member.
- The lead investigator and an assisting investigator, in consultation with Commission legal counsel and the Chairperson or the delegated Commission Member, then review any relevant legislation, policies and regulations, arrange and conduct interviews with witnesses, and request additional documentary materials as necessary.
- Following the completion of witness interviews, the investigators submit a comprehensive report on the information gathered during the investigation to the assigned legal counsel for review. The report is then submitted to the Chairperson or the delegated Commission Member.
- Subject to any necessary further inquiries, the Chairperson or the delegated Commission Member reviews the results of the investigation and determines his findings and recommendations about the complaint. On the basis of these findings and recommendations, the Chairperson or the delegated Commission Member prepares the Commission's Interim Report. The Interim Report goes to the MND, the CDS and the CFPM.
- Following receipt and consideration of the official response to the Commission's Interim Report, which is ordinarily provided by the CFPM in a Notice of Action, the Commission then prepares and issues its Final Report, which goes to the relevant departmental officials, and also to the complainant and the subject member(s) of the MP.

vii) Interference Complaints Process

Interference Complaint Filed

Any member(s) of the MP who conduct or supervise investigations and believe a member of the CAF or a senior official of the DND has interfered with, or attempted to influence, an MP investigation may file a complaint with the Commission.

Commission Investigates

The Commission has sole jurisdiction to investigate interference complaints. A preliminary review is conducted to determine whether an investigation should be commenced, the scope of the investigation and how to approach the investigation. Once this is completed, the Commission commences an investigation.

Commission Releases Interim Report

The Interim Report includes a summary of the Commission's investigation, as well as its findings and recommendations. This report goes to the MND; the CDS if the alleged interference was carried out by a member of the military or to the Deputy Minister (DM) of National Defence if the subject of the complaint is a senior official of the DND, the JAG, and the CFPM.

Notice of Action

This official response to the Interim Report indicates the actions, if any, which have been or will be taken to implement the Commission's recommendations.

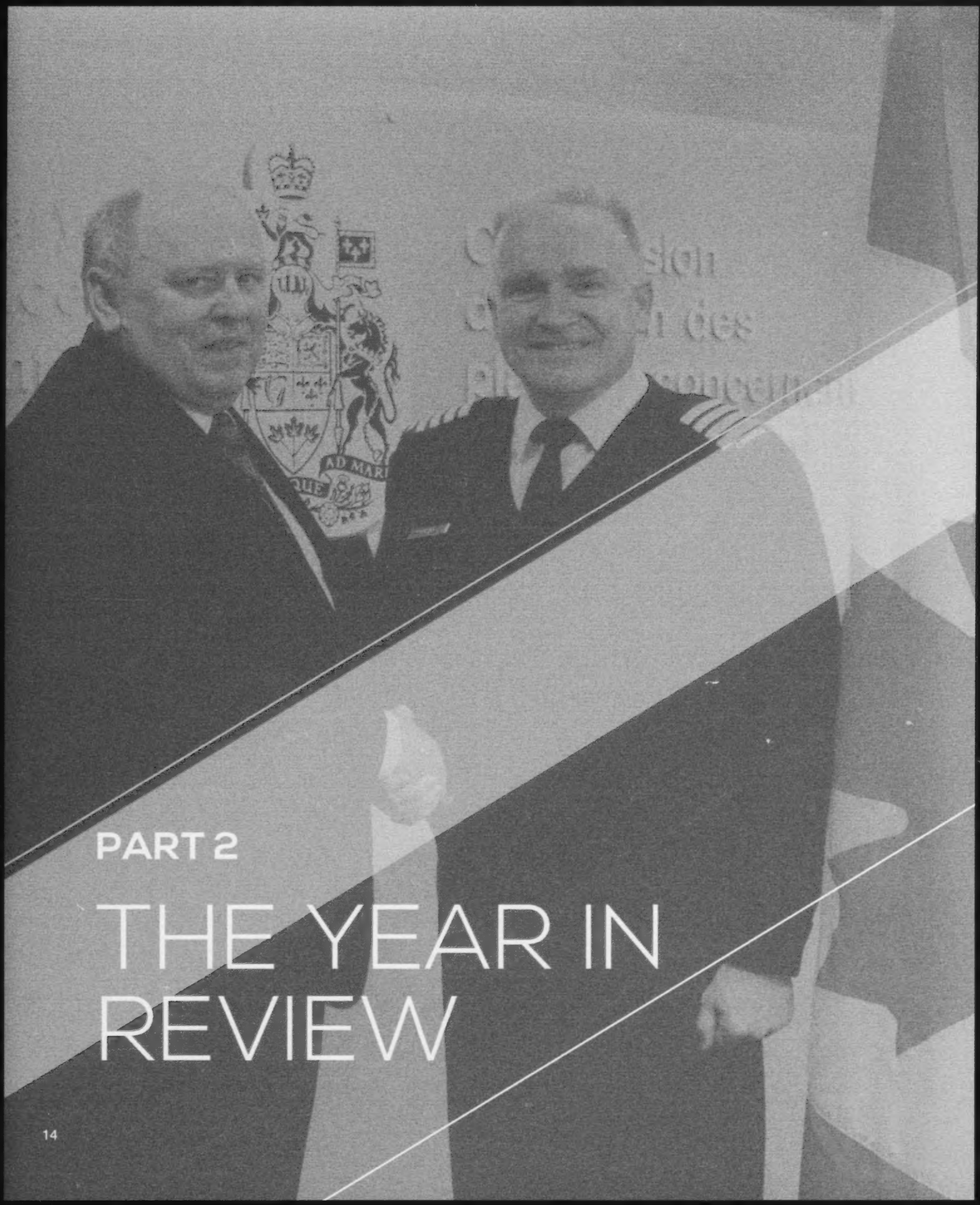
Commission Releases Final Report

Taking into account the response in the Notice of Action, the Commission prepares a Final Report of its findings and recommendations in the case. The Final Report is provided to the MND, the DM, the CDS, the JAG, the CFPM, the complainant and the subject(s) of the complaint, as well as anyone who has satisfied the Commission that they have a substantial and direct interest in the case.

viii) Public Interest Investigations and Hearings

At any time when it is in the public interest, the Chairperson may initiate an investigation into a complaint about police conduct or interference in a police investigation. If warranted, the Chairperson may decide to hold a public interest hearing. In exercising this statutory discretion, the Chairperson considers a number of factors including, among others:

- Does the complaint involve allegations of serious misconduct?
- Do the issues have the potential to affect confidence in MP or the complaints process?
- Does the complaint involve or raise questions about the integrity of senior military or the DND officials, including senior MP?
- Are the issues involved likely to have a significant impact on MP practices and procedures?
- Are the issues of broader public concern or importance?



PART 2

THE YEAR IN REVIEW

i) Monitoring and Investigations

The following table highlights the Military Police Complaints Commission's (Commission) statistics on a four-year comparative basis from 2010 to 2013. The table cannot fully report the increase in the complexity and scope of the types of complaints the Commission handles, nor accurately predict when complex complaints will be referred.

STATISTICS FROM 2010 – 2013	2010	2011	2012	2013
Conduct Complaints Carried Over	13	22	28	31
New Conduct Complaints	43	45	51	43
Interference Complaints Carried Over	1	0	3	3
New Interference Complaints	1	8	2	3
Reviews Carried Over	5	5	10	9
New Reviews	6	9	8	14
s.250.38 Public Interest Investigations / Hearings Carried Over	1	1	2	1
New s.250.38 Public Interest Investigations / Hearings	0	1	0	0
Judicial Proceedings (i.e. Judicial Review) Carried Over	1	1	0	0
New Judicial Proceedings (i.e. Judicial Review)	4	0	0	1
General Files Opened (Requests for information and other)	45	45	59	63
New Files Opened	99	108	120	124
Total Files Dealt With in the Year	120	137	163	168
Decisions / Rulings Issued	8	5	8	0[1]
Time Extension Decisions Issued	4	4	2	7
Interim Reports Issued	5	10	7	6
Final Reports Issued[2]	12	9	14	12
Recommendations on Final Reports	4	11	12[3]	7
Percentage of Recommendations Accepted	100%	100%	92%	86%
Reports / Decisions / Rulings Issued[4]	29	28	31	25

1. The number of decisions / rulings issued declined due to the fact that there was no active Public Interest Hearing (PIH) during this past calendar year. In a PIH, several rulings / decisions may be issued depending upon the number of motions filed.
2. Including Concluding Reports and No Jurisdiction Letters
3. This represents a discrepancy from the 2012 statistics provided in the 2012 Annual Report. There was an error on the cumulative report at the end of 2012 which was discovered and corrected this year.
4. This is a discrepancy from the 2012 statistics provided a year ago in the 2012 Annual Report. Time Extension Decisions were not originally included in the Commission's statistical data.

ii) Fynes Public Interest Hearing

On March 27, 2012, the Fynes Public Interest Hearing (PIH) began to examine the Military Police (MP) investigation relating to the death of Corporal (Cpl.) Stuart Langridge following a complaint filed by his parents, Mr. and Mrs. Fynes. Cpl. Langridge committed suicide on March 15, 2008, at Canadian Forces Base / Area Support Unit (CFB / ASU), Edmonton. He had served in Bosnia and Afghanistan and his parents maintain he was suffering from depression and post-traumatic stress disorder at the time of his death.

The PIH relates to three investigations conducted by the Canadian Forces National Investigation Service (CFNIS) following the death of Cpl. Langridge and subsequent complaint by his parents. The complaint alleged, among others:

- The CFNIS did not conduct independent investigations into the matter;
- The investigations CFNIS conducted were inadequate and biased;
- The investigations were aimed at exonerating CAF members of any responsibility for their failure to prevent Cpl. Langridge's death and for the manner in which the Fynes were subsequently treated;
- The CFNIS failed to investigate important issues; and
- The CFNIS failed to disclose the existence of a suicide note from their son to the Fynes.

This is the Commission's largest and most complex PIH to date. Over the course of 62 hearing days, the Commission heard evidence from 90 witnesses from across Canada and abroad. Transcripts from the hearing totalled over 12,500 pages. In addition, the Commission examined thousands of documents in its investigation of the Fynes' complaint. The Commission heard final oral closing submissions by the Parties on January 9, 2013 and has since been reviewing the entirety of the evidence, analyzing and drafting the Interim Report. The Commission expects to issue the Interim Report in early 2014.

For more detailed information about the Fynes PIH, please visit the Commission website at www.mpcc-cppm.gc.ca

"Over the course of 62 hearing days, the Commission heard evidence from 90 witnesses from across Canada and abroad. Transcripts from the hearing totalled over 12,500 pages."

iii) Impact on Military Policing – Case Summaries

The following section provides summaries of selected conduct and interference cases completed by the Commission in 2013.

A) Conduct Complaint – Overuse of Authority During a RoutineTraffic Stop

This complaint arose from a late night traffic stop in a residential area of a military base. The complainant, a non-drinker, was driving friends of his wife home after an evening out where they consumed some alcohol. The complainant, a Canadian Armed Forces (CAF) member residing on the base, alleged the subject MP member was discourteous in his conduct of a traffic stop of the complainant's vehicle, which took place in the laneway behind the complainant's residence.

The complainant did not have his driver's licence or other identification at the time, as he had left his wallet in his home. In fact, after having dropped off one of the original passengers at her home (also adjoining the same laneway), the complainant was in the process of returning to his residence to retrieve his wallet when the subject member initiated the traffic stop.

During the traffic stop, after an initial exchange between the complainant and subject MP while the former was still in his vehicle, the subject MP directed the complainant to get out of his vehicle. He then directed the complainant to the rear of his vehicle, and closer to the MP patrol vehicle. The apparent object of this was to allow the MP and the complainant to speak away from the other vehicle passengers, and also to determine if any of the odour of alcohol in the vehicle was emanating from the complainant (it was not).

According to the complainant, the subject MP inappropriately lectured, yelled and threatened him with arrest and with making a complaint to his chain of command. The two remaining passengers in the complainant's vehicle generally supported his account that the subject MP was at fault for the confrontational nature of the ensuing encounter in that he was angry and aggressive toward the complainant without justification.

The complainant's identity was confirmed and he was ultimately able to produce his licence and identification to the MPs. The complainant was not charged or ticketed as a result of the traffic stop. However, the episode lasted 55 minutes.

The complainant further alleged the subject MP's behaviour towards him was retaliation for an earlier encounter when he challenged the subject's authority to drive his patrol vehicle beside a cycling / walking trail near the complainant's residence.

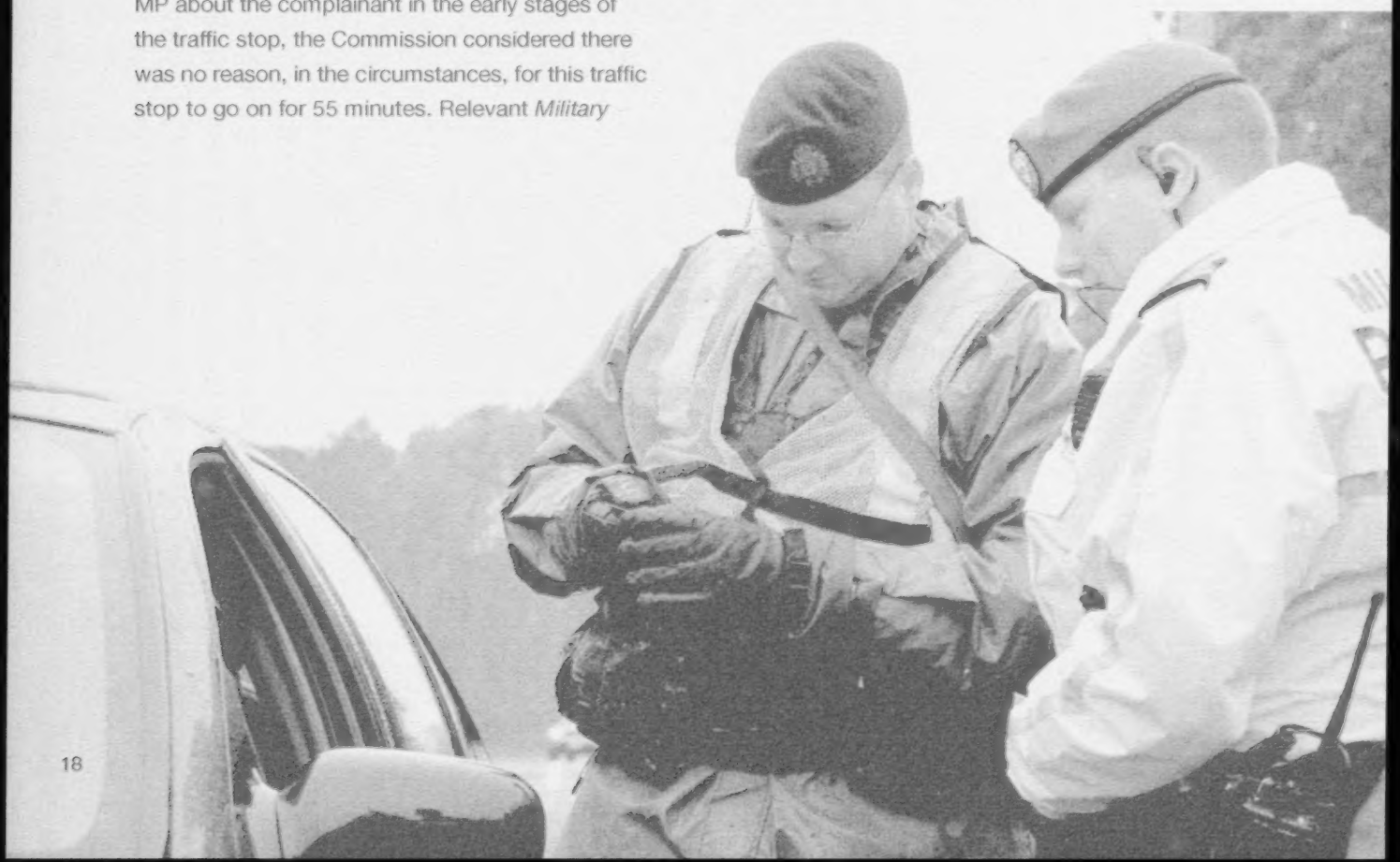
The subject MP said he acted professionally during the traffic stop. In his view, it was the complainant's "uncooperative" and "non-compliant" behaviour which prolonged and intensified their interaction. In his view, his firm and authoritative manner of dealing with the complainant was a proper application of MP "use of force" directives. The subject MP denied the earlier encounter with the complainant had any influence on how he dealt with the complainant at the traffic stop – pointing to the fact that he did not issue a ticket to the complainant, as he could have done. The two other MPs present generally defended the subject member's conduct and also focussed on the complainant's angry reaction to the traffic stop and his challenging of the subject MP's justification for pulling him over. It seemed apparent to the MPs

the complainant felt the subject's conduct of the traffic stop was motivated by their earlier encounter by the nearby cycling / walking pathway.

Following its review and investigation of the complaint, the Commission concluded the subject MP had indeed acted discourteously toward the complainant during the traffic stop. The Commission concluded the subject MP was not seeking to retaliate for the earlier encounter with the complainant. However, at the same time, it seemed the subject MP was upset by the complainant's suggestion the traffic stop was simply an act of retaliation. This, in turn, made the subject MP act more defensively and place undue focus on trying to justify his actions and countering the complainant's apparent perception of retaliatory harassment.

Given the information obtained by the subject MP about the complainant in the early stages of the traffic stop, the Commission considered there was no reason, in the circumstances, for this traffic stop to go on for 55 minutes. Relevant *Military Police Policies and Technical Procedures* make it clear that attempting to lecture or argue with drivers during a traffic stop is to be avoided. The Commission also noted the evidence indicated the complainant complied with all MP directions. In its view, the mere fact the complainant was verbally challenging the MP's actions, did not make him "non-compliant" or "resistant", so as to trigger a "use of force" response.

Prior to the completion of this review, it was learned the subject member had left the CAF. As such, the Commission made no recommendations regarding the subject MP.



The Commission recommended the Canadian Forces Provost Marshal (CFPM) take steps to ensure adequate and consistent training on the operation of the Mobile Video Recording Systems (MVRS) for MP patrol vehicles – in this case, the subject MP failed to activate the system (which would have been of considerable assistance in resolving this complaint) due to a lack of knowledge which led him to erroneously believe the device was non-functional.

The Commission also recommended MP detachments be reminded of the importance of maintaining complete and accurate MP dispatch logbooks (there had been no entry in the MP dispatch logbook for this traffic stop).

B) Conduct Complaint – Investigation of Alleged Sexual Abuse over 30 years ago on a Canadian Forces Base

The complainant made two separate but related MP conduct complaints regarding the actions of MPs in respect of his alleged historical sexual abuse on a military base in Canada when he was a child. The first complaint regards the conduct of a CFNIS investigation into the complainant's childhood sexual abuse allegations. The second complaint pertains to the conduct of MP members on the base at the time of the offences in question.

In respect of the first complaint, the complainant alleged:

- that the CFNIS members conducted an incomplete investigation;
- that this incompleteness was deliberate on the part of the MPs and intended to shield the DND from possible civil liability arising from the complainant's abuse; and
- that the CFNIS did not have jurisdiction to investigate in the first place because, at the time of the alleged offences:
  - the CFNIS did not exist, and
  - the CAF did not have jurisdiction to prosecute offences of sexual assault committed within Canada.

The Commission's review revealed the CFNIS members in fact went to considerable lengths, given the circumstances of the then over 30-year old case, to pursue the complainant's criminal allegations. While charges were not ultimately laid against the alleged perpetrator, the MPs did attempt to interview key relevant witnesses and made various efforts to locate other possible witnesses. In the end, the MPs produced a Crown brief which they referred to the local prosecutor's office for a legal review. Moreover, in their brief to the prosecutor, the MPs expressed the conclusion that their investigation revealed evidence to support charges. However, the prosecutor in the case recommended against charges due to inherent weaknesses in the available evidence.

The Commission found all the complainant's allegations in his first complaint to be unsubstantiated.

With respect to the second complaint, regarding the failure of the relevant MPs over thirty years ago to involve local civilian police to investigate sexual assaults involving civilians on the base, the Commission determined it could not address this complaint as it related to MP conduct which occurred prior to the coming into force of the Commission's enabling legislation in 1999.

C) Conduct Complaint – Unprofessional Investigation of an Alleged Sexual Assault

This complaint arose out of an MP investigation into an alleged sexual assault which occurred at an armoury during a party held at the conclusion of a military training course for Reserve members. The alleged victim was a student on the course. Initially, those in charge of the training course sought to conduct an administrative unit investigation; however, they soon understood it was necessary to hand over the matter to the MPs.

The complainant, a course instructor, was implicated by the victim and became the subject of the ensuing MP investigation. The complainant was arrested and charged by the MPs with sexual assault. He was convicted at trial and sentenced to three years imprisonment. His conviction was overturned on appeal and a new trial was ordered. At his second trial, the complainant was acquitted. He subsequently filed a conduct complaint against the lead MP investigator.

In his complaint, the complainant alleged the investigation conducted by the investigator was biased, incomplete and unprofessional. He further charged the subject MP member had conducted herself unprofessionally during an attempt to execute a Deoxyribonucleic acid (DNA) warrant and by allegedly making harassing phone calls to his spouse. The complainant also claimed the MP investigator ordered the destruction of evidence, namely, notes and statements produced in the initial unit administrative investigation conducted by the course officer and Non Commissioned Officer (NCO). Finally, the complainant maintained it was contrary to the terms of the DNA warrant to have attempted to execute it at his place of work.

After its own investigation, the Commission determined some significant steps were missed in the MP investigation of this case. However, there was no evidence of bias on the part of the investigator. The Commission also determined there was nothing improper in the MPs' attempt to track down the complainant at the offices of his employer for the purposes of executing the DNA warrant. The timeframe for executing the warrant, as stipulated by the issuing judge, made it most likely it would have to be done during working hours. The MPs did not reveal their reason for wanting to see the complainant. The owners of the business where the complainant worked, who were present in the office at the time, thought the MPs acted professionally. The relevant provision of the *Criminal Code* (s. 487.07(3)) speaks to the need to respect a suspect's reasonable privacy interests, and no further specific conditions in this vein were stipulated by the judge. The Commission also determined there was insufficient evidence to link the subject of the complaint to any of the harassing phone calls allegedly received by the complainant's spouse. Finally, the Commission found no evidence of any direction to destroy evidence, although it found it was a mistake for the MPs not to avail themselves of the material generated by the unit investigation and not to interview the course officer and NCO who had conducted it.

Given the passage of time (eight years since the MP investigation), and the fact the investigator's supervisors have since retired from the military, the Commission saw no need to recommend any individual remedial measures. However, the Commission did recommend a review and a verification of the adequacy of MP training standards and technical direction regarding sexual assault investigations.

D) Conduct Complaint – Investigations Pertaining to Neighbor Disputes

This complaint arose from various requests by the complainant and his common law spouse to a MP Detachment for assistance concerning the conduct of the adjoining neighbours of their Private Military Quarters (PMQ). The complainant was dissatisfied with the level of service provided by the MP members. Difficulties with the neighbours had arisen soon after the complainant and his family had taken up residence at a CFB in 2009, and continued to escalate through 2011 when the numerous calls which form the core of the complaints being examined by the Commission were placed by the complainant and his spouse to the MPs for assistance. The complainant also contacted the Children's Aid Society (CAS), school personnel and the school board concerning the interaction of his neighbours' child with his own child.

Subsequent to these frequent contacts with the MP, the complainant expressed dissatisfaction with the service received by him and his spouse, and therefore made a number of complaints to the supervisor of the MPs involved. During the fall of 2011, the supervisor consulted with the Professional Standards (PS) unit of the CFPM for direction on how to address the dissatisfaction of the complainant, and was instructed to explain the complaint process to the complainant and determine whether the complainant wished to submit a formal complaint. The complainant apparently declined to submit a formal complaint at that point, but did request the military chain of command review the way the MPs had dealt with his issues. The Commission was never informed of any kind of complaint – formal or informal – during the fall of 2011. Ultimately, the supervisor of the MPs acknowledged "minor procedural errors" and responded to the complainant primarily through verbal and informal means in January 2012.

The complainant remained dissatisfied with the outcome of the chain of command review of his matters, and subsequently forwarded a complaint to the Commission. This was in turn directed to the CFPM to be dealt with in the first instance as per the *National Defence Act* (NDA).

A few months later, the Deputy Commander, CF MP Gp/PS (Deputy Commander) wrote to the complainant indicating that a complete review of his complaints had been conducted by PS, and their preliminary investigation concluded that the MPs responded to each and every call made by the complainant. In addition, the Deputy Commander noted the MPs involved did contact outside agencies as the different incidents required. The Deputy Commander concluded a full investigation was not required and invoked paragraph 250.28(2)(*a*) of the NDA stating the complaints were "frivolous and vexatious" and noted "frivolous" as meaning a "complaint devoid of substance or unsubstantiated". The Officer in Charge PS Investigations ultimately instructed all MPs at the relevant MP Detachment on the importance of entering all notes and documents into Security and Military Police Information System (SAMPIS) to ensure that a complete record of all dealings with complainant, his spouse and their concerns was recorded.

The complainant requested the Commission review his complaint. Although the Commission initially categorized twelve separate allegations of misconduct brought by the complainant, after discussions with the complainant, who clarified the allegations, the Commission only pursued detailed investigation of eight of the original twelve allegations. Overlaps among the twelve original allegations led to their grouping into seven categories for the purposes of

this report. Of those seven categories of allegations, all of which revolved around the helpfulness of the MPs, ways they interacted with the complainant and his spouse, and the willingness of MPs to engage outside child protection agencies when appropriate, the Commission concluded all the subject MPs acted reasonably and within their jurisdictional boundaries.

The Commission recommended the CFPM remind all MP detachments of their obligations under subsection 250.21(2) of the NDA to forward all conduct complaints – whether initially made orally or in writing – to the Chairperson of the Commission and the DComd, CF MP Gp/PS, and those obligations be stressed in the initial and ongoing training of MP.

The Commission further recommended the CFPM consider when reviewing future conduct complaints if paragraph 250.28(2)(c) of the NDA would be a more appropriate statutory basis for ending an investigation ("having regard to all the circumstances, investigation or further investigation is not necessary or reasonably practicable") rather than paragraph 250.28(2)(*a*) of the NDA ("the complaint is frivolous, vexatious or made in bad faith") when it is concluded that a preliminary investigation is warranted but that ultimately the circumstances do not require further investigation. The Commission recommended in particular there should be an evidentiary foundation for concluding a complaint is frivolous, vexatious or made in bad faith, and that paragraph 250.28(2)(*a*) NDA should be used sparingly.

E) Interference Complaint – Alleged Inappropriate Actions in the Investigation of a Vehicle Collision with Marching Troops on Canadian Forces Base

The complainant alleged interference in the investigation of a vehicle accident on a base. The particular circumstances are that a motor vehicle collided with marching troops, who happened to be MPs from that base, causing some injuries. The driver of the vehicle was charged with careless driving by the MP assigned to investigate the incident, who was from the same MP unit as those involved in the march. The investigator noticed no one was wearing reflective safety vests and no one had been designated to act as pointers to alert approaching vehicles, both of which are required under standing orders for the base. Moreover, those who were leading the march, and who were responsible for this omission, were the investigator's superiors.

The investigator proceeded with his investigation and submitted his report for supervisory review. Because his superiors, who would normally vet the file on review, were involved in the incident under investigation, it was decided to send in someone from higher headquarters in a different city to come in and vet and complete the file. However, the manner in which it was done caused concerns for the investigator.

The investigator ended up filing an interference complaint against his supervisor and the member designated MP who reviewed and completed the file based on the following allegations:

- the supervisor's attempt to leave the accident scene and carry on with the march, which was quickly abandoned;

- the supervisor not transferring the investigation to CFNIS, which the investigator considered necessary given the involvement of the chain of command in the incident;
- an alleged direction by the supervisor not to "overdo" the investigation;
- the supervisor's alteration of the investigator's report without the latter's knowledge;
- the designated MP's conduct of a further interview without the investigator's knowledge, and his use of the wrong caution form;
- alterations made to the report by the designated MP, which the investigator was pressured to accept on short notice; and
- the pressure from the supervisor for the investigator to accept the designated MP's changes, which the investigator considered substantial.

The Commission's investigation revealed the following: "In terms of the initial decision of the leaders of the MP troop – including the supervisor – to leave the scene of the accident, this did not appear to be related to any attempt to thwart the ensuing investigation".

It was also learned the supervisor actually tried twice to get CFNIS to take over the investigation, but to no avail. The CFNIS Warrant Officer at the local CFNIS office failed to see anyone other than the vehicle driver would be a subject of the investigation. Therefore, there seemed to him to be no conflict of interest to justify CFNIS involvement.

The conduct of the additional interview by the designated MP was warranted, and the use of the wrong caution form was not done with a view to jeopardizing a potential prosecution. Indeed, the cautioning of the officer in question was a sign the designated MP was not overlooking, or trying to downplay, the aspect of the potential breach of base orders by the local MP leadership.

With regard to the other allegations, the Commission concluded both the supervisor and the designated MP were authorized to make changes to the investigation report and the investigator was given the opportunity to review the changes to the report and ultimately was directed to change it back to its previous state.

The supervisor's alleged statement not to "overdo" the investigation was actually found to be somewhat unclear, both in terms of what was said and the element(s) to which he referred. The supervisor may have been referring to the preparation of the report rather than the scope of the investigation.

For these reasons, the complaint was found to be unsubstantiated. Rather, the Commission noted there seemed to have been poor communication with the investigator from his chain of command, which contributed to the actions of the supervisor and the designated MP seeming suspicious to him.

The Commission recommended MPs be provided with guidance about the need to initiate more than one investigation file in cases where, as in this case, an incident raises both law enforcement and internal disciplinary issues in relation to different subjects. The Commission also recommended policies be developed regarding the process for implementing supervisor modifications to investigation reports and the tracking of such changes.

iv) Legislative Renewal

Bill C-15, *Strengthening Military Justice in the Defence of Canada Act*

Bill C-15, *Strengthening Military Justice* in the *Defence of Canada Act* (the Act) was tabled in the House of Commons on October 7, 2011, and received Royal Assent on June 19, 2013, bringing in a number of amendments to the NDA primarily related to the military justice system for the CAF.

While the Bill does not directly address the jurisdiction or authorities of the Commission, one provision of concern to the Commission relates to the new authority of the Vice Chief of the Defence Staff (VCDS) to direct MP investigations: s.18.5 (3) (in Clause 4). The Commission regarded this proposal as highly problematic and submitted a brief on this matter to the House of Commons Standing Committee on National Defence on October 26, 2011, and to the Senate Standing Committee on Legal and Constitutional Affairs on May 27, 2013.

It was the Commission's contention the proposed authority would effectively abrogate key provisions of the March 2, 1998, Accountability Framework (Framework) signed by the VCDS and the CFPM of the day. The purpose of this Framework was to adapt the command relationship of the VCDS and CFPM such that the latter would retain appropriate independence from the chain of command in the conduct of individual law enforcement investigations.

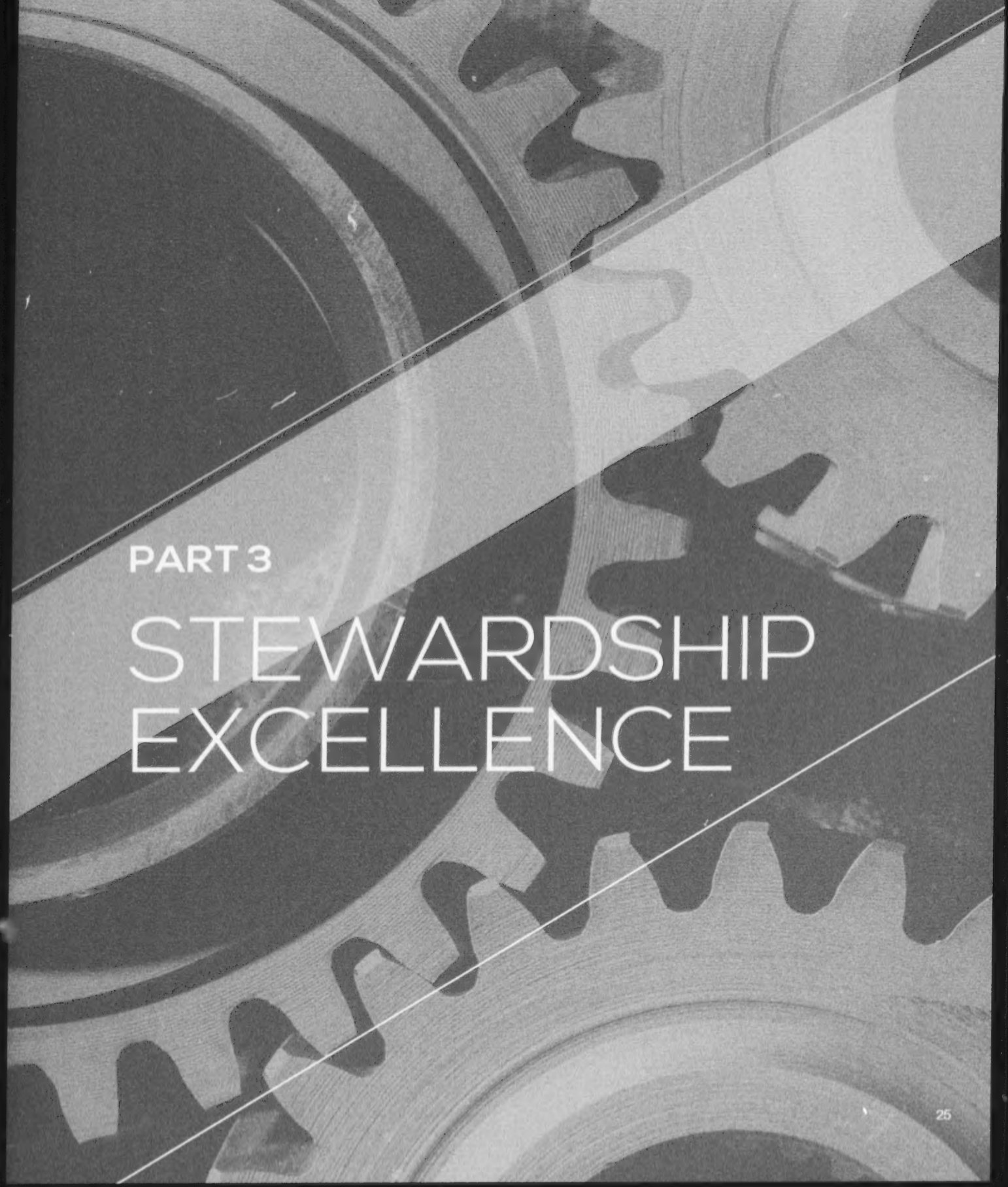
More recently, the independence and integrity of military policing have been further supported through changes to the MP command structure. Effective April 1, 2011, all MP members when performing their policing duties are under the command of the CFPM.

Accordingly, the Commission submitted the authority for the VCDS in subsection 18.5 (3) in Clause 4 of the Bill is out of step with efforts over the past 15–20 years to recognize and support the independence of the MP within the CAF, particularly when conducting law enforcement investigations. However, perhaps more importantly, the authority in question runs counter to Canadian law and practice regarding the independence of police investigations generally.

As far as the Commission is aware, there have been no problems with the VCDS-CFPM Framework which justify its revocation. Subsection 18.5 (3) runs counter to various efforts over the years to shore up public confidence in the independence of military policing. For these reasons, and for other legal and constitutional reasons, the Commission held the view this subsection should have been deleted from Bill C-15.

In the end, Parliament did not delete this provision and the Bill was adopted without amendments. As noted, it received Royal Assent in June 2013.

While the Commission was pleased with other aspects of this modernization initiative, such as the recognition of the CFPM's role and provisions against reprisals made for those making complaints, the Commission will closely monitor the implementation of the Act.



PART 3

STEWARDSHIP EXCELLENCE

i) Integrated Planning

The Military Police Complaints Commission (Commission) has strengthened its planning regime which integrates finance, human resources (HR), risk management, investment planning, security, information technology (IT), information management (IM), and greening strategies, plans and initiatives to facilitate planning, decision making and prudent resource management.

The following sections describe the Commission's stewardship towards integrating strategic, operational and investment plans.

ii) Integrated Financial Management

In 2013, the Commission continued to demonstrate sound management of its financial resources. It effectively planned, managed and controlled its budget and expenditures to meet operational requirements, as well as to meet legislative and increased central agency requirements including timely, accurate financial reporting. Throughout 2013, regular financial updates were provided to the Executive Committee and central agencies to reinforce rigorous financial management and control.

Operating Budget: The Commission's traditional on-going annual budget is $3.5M. These financial resources support the delivery of the Commission's legislative mandate under Part IV of the *National Defence Act*, all activities to support central agencies including all reporting requirement demands by central agencies and Parliamentary (i.e. Reports on Plans and Priorities, Departmental Performance Reports, annual reports, etc.).

In 2012, the Commission conducted a program evaluation and determined that it could no longer financially support its program activities: Complaints Resolution and Internal Services. The ongoing reference level of $3.5M was not sufficient due to various pressures including: increasing complexity of investigations; increased planning and reporting requirements; and increased information management requirements.

The following were identified as the Commission's key pressures and cost drivers:

a. Program Shortfall;
b. Capacity Enhancement / In-house expertise;
c. Accommodation / Facilities Expansion and Enhancement; and,
d. Increased Electronic Information / Case Management Capacity.

In 2013, the Commission requested an increase in its annual budget to mitigate the aforementioned risks. Based on this program review and a cost-benefit analysis, the Commission determined the appropriate amount of funds to ensure the future integrity of the programs. As a result, the Commission requested an ongoing transfer of $1.2M to support the Commission's effective and efficient program delivery. These funds were identified, requested and transferred by Department of National Defence (DND).

Therefore, as of December 2013, the Commission's on-going budget increased from $3.5M to $4.7M.

Fynes Public Interest Hearing (PIH): In 2013, the Commission received a total of $1.7M in special purpose funding via the Main Estimate process and carried forward $2.2M, from the previous year, to support the Fynes PIH.

Multi-jurisdictional Conduct Review Complaint: In 2013, the Commission received a total of $265K in special purpose funding via the Main Estimate process and carried forward $1.1M to support the conduct review.

Financial Stewardship: The Commission works efficiently and effectively while maintaining its service delivery model. However, any unexpected events that would impact the Commission (i.e. public interest hearing) would create significant pressures throughout the Commission. Despite the Commission's ongoing improvement in turnaround times for complaint investigations, our pursuit of accountability, transparency and professionalism to Canadians requires us to continue to perform at the highest levels.

As well, in response to increased central agency policy requirements and demands, such as the Treasury Board's (TB) *Policy on Internal Control*, Investment Plans, and thus, the Commission continues the review of its internal financial control processes in key areas, such as financial management reporting and assets management.

Additional Financial Information: Additional financial information on the Commission's financial and expenditure management can be found on the Commission's website (http://www.mpcc-cppm.gc.ca/01/300/300-eng.aspx) in the Report on Plans and Priorities, the Departmental Financial Report, Quarterly Financial Reports, and Annual Financial Statements.

iii) Integrated Human Resources (HR) Management

Human Resources Planning: The Commission continued to stress effective HR planning to the greatest degree possible, notwithstanding a number of challenges. Measures have been implemented, such as trying to anticipate potential staff turnover, developing staffing strategies to help ensure knowledge retention (e.g., through employee learning plans) and ensuring vacancies are filled as quickly as possible.

Staffing: The Commission is a micro-agency, and as such, one Commission employee may oversee several programs. Staffing delays result in increased costs to the Commission to back-fill the position, as well as the transfer of workload to other employees who are already fully engaged in carrying out their existing responsibilities.

The Commission examined innovative ways to reduce the cost and time involved in staffing a position while maintaining the existing robust Staffing Management Accountability Framework (SMAF) within the Commission, as confirmed through the Departmental Staffing Accountability Framework (DSAR). The Commission has been successful in increasing its efficiencies in staffing, by substantially reducing the time it takes to staff a position and reducing costs. By optimizing the staffing processes, the Commission was able to staff vacant positions more efficiently and retained a high percentage of staffed positions with personnel.

Employee Recognition: Throughout the year, the Commission continued to recognize the efforts of its employees. During National Public Service Week in June 2013, a number of employees received Long Service and Recognition Awards for their contributions.

Common Human Resources Business Process (CHRBP) Initiative: The Commission worked diligently towards implementing the seven areas of the CHRBP in order to align the requirements to the Commission's overall HR Framework – Plans and Strategies.

Disability Management Program: Following the government-wide initiative on disability management, the Commission has reinforced its program, services and products, including training managers and employees on their rights, obligations and procedures to prevent illnesses and injuries. This year, the Commission provided training and / or information sessions on health and well-being, the Employee Assistance Programs, Mental Health and First Aid to facilitate Commission personnel well-being.

Performance Management / People Management: During the past year, the Commission has been planning, developing and training managers, supervisors and employees on the new Performance Management process that comes into effect April 1, 2014. The Commission will update its current Performance Management Programs (PMP) with the new requirements to align with the CHRBP and the Commission Integrated HR Framework – Plans and Strategies.

iv) Integrated Risk Management (IRM)

Throughout the year, the Commission took an integrated approach to risk management by identifying corporate risk, analyzing impacts and developing mitigating strategies to ensure efficient and effective operations. This encompassed areas such as financial management, resourcing / staffing, capacity building, audits, media / public affairs, public interest hearings (PIH), etc.

The Commission continues to update its Integrated Risk Management Framework – Plans and Strategies to include new changes, requirements and audit recommendations into its risk profile. By doing so, the Commission is able to proactively mitigate risks by having pre-defined strategies.

Where possible and feasible, the Commission conducts management reviews based on its risk assessments to identify potential gaps, taking appropriate steps to ensure a proactive, rather than reactive, approach.

v) Management Reviews

Staffing Management Review: In 2012/2013, the Commission completed its annual staffing management review and examined compliance, trends, costs, length of time to staff, risks, and file management. The results of the review reinforced the Commission's staffing practices, and identified further opportunities to ensure all staffing actions continue to be managed and administered in accordance with applicable legislation and delegation of authorities.

Contracting and Procurement Review: Following the requirements of the Core Control Audit, the Commission has incorporated annual management reviews of the bid solicitation, contract and accounts payable files. In this reporting period, the Commission completed its first management review of its bid solicitation files; contract files and account payable files, based on the same policy auditing checklist as the Comptroller General. With minor

omissions in some files, the Commission improved significantly in the auditing trails of each of the bid solicitation and contract for service and procurement of goods files. Based on these omissions, the Commission was able to tackle the files ard address the gaps, making the management review a success. The Commission is committed to ensuring all of its Core Control Audit recommendations are adhered to including the annual management reviews of these files.

vi) Audits

Afghanistan Public Interest Hearing (PIH) Audit: In FY 08-09, the Commission sought and received funding to support the Afghanistan PIH. Following the issuance of the Final Report for the Afghanistan PIH, the Commission conducted an audit into the funds received, including its expenditures. The audit was conducted after:

- the Core Control Audit;
- the management review and implementation of the *Policy on Internal Controls*;
- lessons learned during the Afghanistan PIH and other mega-cases; and
- the management review on the bid solicitation files, contract files and the account payable files.

As such, the Afghanistan PIH audit identified some findings and recommendations the Commission had already addressed through the aforementioned audits and management reviews.

Horizontal Audit: Although the Commission was not scheduled to perform a horizontal audit during this reporting period, the Commission is committed to ensuring compliance with other audits through the review of their findings and recommendations, and then aligning them with the Commission's internal frameworks, policies, directives, standards, and processes as a measure of good business practice.

vii) Integrated Security

The Commission strives to provide a secure workplace through mandatory training, awareness and communiqués focused on its security programs, services and processes. As such, security is integrated throughout the Commission's business operations and infrastructure. Through prevention and awareness, the Commission is able to respond proactively to security occurrences effectively, while maintaining operational momentum.

Information Technology (IT) Security: In addition to traditional security monitoring, the Commission focused on reviewing its IT security during the past year to address the growing trend of cyber threats, an emerging security risk. The Commission continuously increases its awareness of cyber threats both internally and externally.

The Commission completed its IT modernization project, fully documenting the new system and revising its business continuity and IT security plans to reflect the new infrastructure and minimize risk.

viii) Business Continuity

Business continuity and emergency procedures are integrated throughout Commission operations and processes. As such, a combination of prevention and awareness activities allows the Commission to respond proactively to incidents or emergencies effectively while maintaining operational momentum.

Through the reporting period, the Commission continuously conducted tests and drills to ensure appropriate response procedures to a variety of situations. These tests and drills included ensuring safety equipment is properly maintained, and personnel are trained in Cardiopulmonary resuscitation (CPR) and the use of a defibrillator.

ix) Health and Safety

The health and safety of Commission personnel and workplace are paramount to the Commission's good business practice. As such, the Commission provides workplace training, awareness activities and communiqués regarding all types of health and safety issues and their integration throughout the Commission. This includes activities such as providing personnel with hand sanitizers, wipes, regular office cleaning, and the seasonal flu shot if desired. In addition, the Commission has assigned these duties to personnel to ensure the requirements under the *Canada Labour Code* and the *Health and Safety Regulations* are met. The assigned employees are trained and certified.

x) Integrated Information Technology

Year 2013 was a particularly important and challenging year in terms of improvements to the Commission's websites.

Electronic Document and Records Management Solutions (EDRMS): In 2013, the Commission progressed rapidly in the identification and securing of an EDRMS solution for its corporate knowledge, and a case management solution to meet its current needs. Through a rigorous and lengthy tendering process, the Commission secured a company to assist in planning, testing and implementing a new EDRMS. In addition to satisfying two official audits and meeting central agency requirements, the Commission will be implementing new processes moving from a paper-based environment to an electronic environment.

Web Experience Toolkit (WET): In 2013, the Commission completed and implemented the latest WET. The new look and feel of the Commission's website eases compliance with the *Standard on Web Accessibility*, the *Standard on Web Usability* and the *Standard on Web Interoperability* and is now available for viewing.

Web Interoperability: The *Standard on Web interoperability* is the ability of different types of computers, platforms, devices, networks, and applications to work together effectively to find, retrieve, exchange, and re-use Web content in a useful and meaningful manner. As a result, the Commission implemented three of the four requirements set out in the *Standard on Web Interoperability* well in advance of the December 2014 deadline.

Web Content Accessibility Guidelines (WCAG 2.0): The *Standard on Web Accessibility* came into effect on August 1, 2011, following a Federal Court order to make the websites of all institutions listed in schedules I, I.1 and II of the *Financial Administration Act* compliant with the internationally recognized WCAG 2.0 by July 31, 2013.

The Commission's website was one hundred percent (100%) compliant in the first phase of implementation (February 2012). The mandatory audit of the second phase (February 2013) confirmed the Commission's website continued to be one hundred percent (100%) compliant.

Web Usability: In 2013, the Commission further enhanced its website to respect usability principles and approaches set out in the *Standard on Web Usability*.

The objective of this standard is to ensure Government of Canada websites and Web applications achieve a high level of Web usability and users can find, understand and use information and services online.

xi) Integrated Information Management (IM)

Recordkeeping: The Commission is addressing how it handles the life-cycle of its corporate memory with increased change and transformation activities that will move the current system to a fully electronic document environment (EDRMS). With the assistance of external resources, the Commission is moving towards implementing a solution that is aimed to bring efficiencies and effectiveness in its life-cycle management of electronic documents and records, including the handling of access to information and privacy requests (ATIP).

Library Collection: In 2012, the Commission's library completed an extensive analysis of its collection. Where available, the library endeavors to make use of electronic resources accessible on the internet and in other appropriate legal databases. In 2013, this resulted in a streamlined electronic collection to better serve its needs; a reduction in the library's monetary spending on traditional books and other publications, as well as a reduction in floor space required to house the library collection.

xii) Access to Information and Privacy (ATIP)

Access to Information and Privacy (ATIP): The number of requests under the *Access to Information Act* and *Privacy Act* has increased, due in part to the Afghanistan and the Fynes PIH. The Commission successfully met the 30-day response time limits for the majority of these requests. Due to the increased number of requests, the Commission was required to hire additional external resources to meet workload demands.

In accordance with the requirements of the Treasury Board of Canada Secretariat (TBS), the Commission published summaries of completed access to information requests on its website, in both official languages.

In 2013, TBS proceeded with the decentralized publishing of all Info Source chapters, as such; the Commission has published its chapter of Info Source on its website and is exploring new ways of making its information holdings more accessible.

Public Interest Hearing (PIH) Exhibit and Evidence Review: The Commission's traditional ATIP program has taken on a new and extended role – the review of exhibits and evidence for PIHs, based on the open court principle and principles of the *Privacy Act*. As part of the process for the Fynes PIH, the Commission conducted a review of all exhibits for privacy concerns, which encompassed over 18,000 pages.

xiii) Greening Initiatives

The Commission supports the Federal Sustainable Development Strategy and related central agency policies and guidelines, such as the Green Procurement Strategy. The Commission also committed to specific "greening targets". See the Commission Reports on Plans and Priorities and the Departmental Performance Report.

The Commission undertook other "greening" initiatives such as:

- reviewing and streamlining its library collection;
- identifying an electronic document and records management solution;
- adapting printing and Forest Stewardship Council (FSC) standard stationary needs to use more environmentally friendly recycled paper;
- increasing the use of scanning and email; and
- acquiring energy efficient appliances and electronic equipment.

In 2013, the Commission undertook a large initiative to review all its assets and determine their surplus status. In so doing, the Commission found a significant amount of assets and furniture in surplus and was able to "green" its workspace. As per the program directives, some of these assets were replaced with more energy efficient equipment.

The Commission continues to seek and identify other opportunities to further "green" its activities without hindering operational efficiencies and effectiveness.

xiv) Outreach Program

In 2013, the Commission continued its outreach and collaborative initiatives with the Military Police (MP) community, the military chain of command and other organizations within and outside government. These initiatives enabled the Commission to share information regarding its mandate, to discuss case examples and the Commission's findings and recommendations. In addition, the Commission was able to gain a further perspective from these groups with respect to issues faced by the MP and the larger CAF community.

Visits to Canadian Armed Forces Bases across Canada: On an annual basis, the Commission meets with three primary audiences at CAF bases across Canada to increase awareness of its mandate and activities, as well as to respond to any concerns about the complaints process. These audiences are:

- Members of the MP who are most affected by the process, whether as subjects of conduct complaints or as potential complainants in interference complaints;
- The military chain of command, which relies on the services of members of the MP in the maintenance of military discipline but which must not interfere with police investigations; and
- Those who may interact with the MP because they live, work, or pass through a CAF base. The Commission's connection to this group is often made through the Executive Directors and staff of the Military Family Resource Centre authorities at each base.

During this reporting period, the Commission saw increased interest and participation from Commanding Officers, Unit Commanders and other senior commanders.

During 2013, representatives of the Commission visited eight CAF bases making formal presentations with attendees at the following locations across Canada:

1. Gagetown, New Brunswick
2. Cold Lake, Alberta
3. Winnipeg, Manitoba
4. Shilo, Manitoba
5. Caunaught Ranges, Ottawa, Ontario (MP from North Bay, Petawawa, Kingston, London, Toronto and Meaford, Ontario)
6. North Bay, Ontario
7. Valcartier, Québec
8. Bagotville, Québec

Bases are selected for logistical and geographical aspects to help ensure the broadest access to these information sessions but, in particular, consideration is given to respecting and accommodating the demands associated with the significant operational realities at these bases.

The participants in the 2013 information sessions provided very positive feedback on the value of the presentations, the case examples used and the clarity of the Commission's responses to questions.

Military Police Academy: The Commission also made presentations at the Canadian Forces Military Police Academy's (CFMPA) Qualifying Level (QL) 5 training sessions, including the Military Police Officer Course (MPOC) in Borden, Ontario, to increase awareness of its mandate and processes. Four similar presentations were made, and attended by 24 participants at each session.

The Commission very much appreciates the efforts of the many individuals who organized, supported and participated in its outreach activities and its sessions at the bases and the CFMPA.

xv) Stakeholder Collaboration

Canadian Forces Provost Marshal (CFPM) and Deputy Commander Canadian Forces Military Police Group / Professional Standards (Deputy Commander of the CF MP Gp/PS): In 2013, the Commission continued its ongoing discussions with both the CFPM and Deputy Commander of the CF MP Gp/PS to address and resolve issues and even further strengthen the complaints resolution process.

Faculty of Law of the University of Ottawa – Military Law Class: On February 27, 2013, the Commission's General Counsel and Senior Counsel made a presentation to the Military Law Class of the Faculty of Law of the University of Ottawa, providing background on the role of the Commission, its function and the types of complaints it investigates. Topics covered included the Commission's governing legislation, public confidence and trust, the rule of law, the purpose of oversight, the conduct and interference complaints process, selected case examples, and the Commission's proposals related to the Second Independent Review of the *National Defence Act*.

Canadian Association for Civilian Oversight of Law Enforcement (CACOLE): CACOLE is a national non-profit organization of individuals and agencies involved in the oversight of police officers in Canada. It is dedicated to advancing the concept, principles and application of civilian oversight of law enforcement throughout Canada and abroad. CACOLE is recognized worldwide for its oversight leadership. The Commission Chairperson is a member of the CACOLE Board of Directors.

The Commission's Chairperson and other Commission representatives attended the CACOLE's annual meeting May 28-29, 2013, in Charlottetown, Prince Edward Island. The Commission Members gained valuable insight into new trends and developments in police oversight within Canada and abroad. This year, CACOLE also heard from international counterparts including China, Brazil and Trinidad/Tobago and the challenges they face in their countries.

Canadian Bar Association (CBA): The CBA is a professional, voluntary organization which represents some 35,000 lawyers, judges, notaries, law teachers, and law students across Canada. Through the work of its sections, committees and task forces at both the national and branch levels, the CBA is seen as an important and objective voice on issues of significance to both the legal profession and the public. The Commission's lawyers are members of various sections of the CBA such as Military, Administrative, Privacy and Criminal Law Sections.

Canadian Association of Chiefs of Police (CACP), the Ontario Association of Chiefs of Police (OACP): The Commission's Chairperson is a life member of both the CACP and the OACP and is a past president of the OACP. The Chairperson's membership with both of these organizations allows the Commission to keep abreast of new trends in policing and new developments, policies and guidelines.

Central Agency Collaboration: The Commission continued to participate in cooperative intra-government affiliations through its membership in a variety of small agencies' initiatives. These include the:

- Heads of Federal Administrative Tribunals Forum (HFATF);
- Personnel Advisory Group;
- Small Agencies Financial Action Group;
- Client Advisory Group – Acquisitions; and
- Small Agency Administrators Network.

xvi) Media / Public Relations

The Commission effectively met media and other public relations demands for information from within and outside government, particularly related to the Fynes PIH. Due to these increased media requests, the Commission was required to hire additional temporary resources to assist with media and public relations management and communications.

The Commission continued to provide timely, open information through press releases, media advisories, backgrounders and other documents, including updates on its website and individually tailored responses, as required.

OTTAWA CITIZEN
Military Police Complaints Commission Limited In Its Ability To Obtain Government Documents For Investigations
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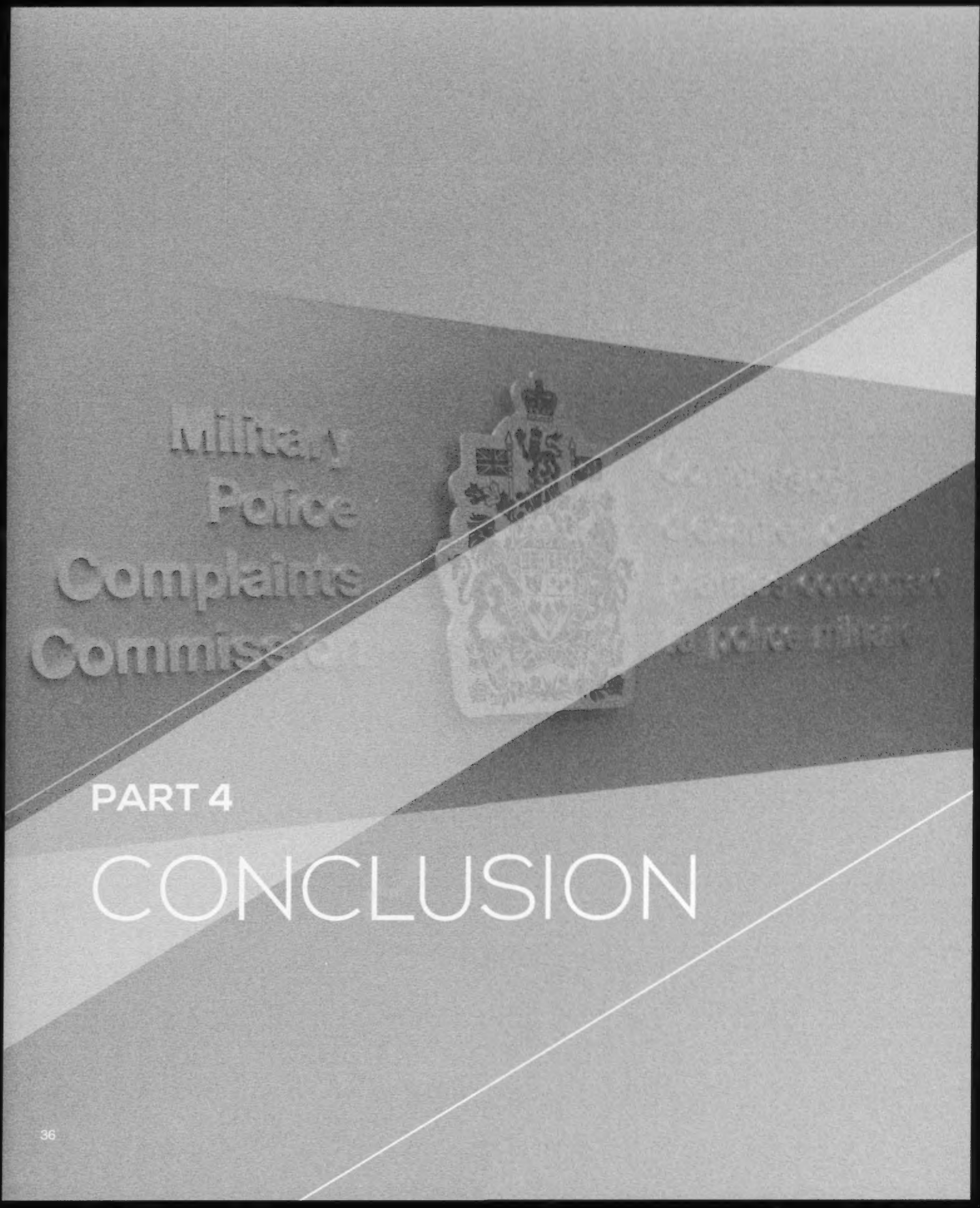
Inquiry into military suicide hears scathing indictment
Soldier's mother says report into her son's death will be his legacy
The 65-day Military Police Complaints Commission inquiry into the suicide of an army corporal wound up Wednesday in Ottawa with the lawyer for the victim's family issuing a scathing indictment of the



PART 4

CONCLUSION

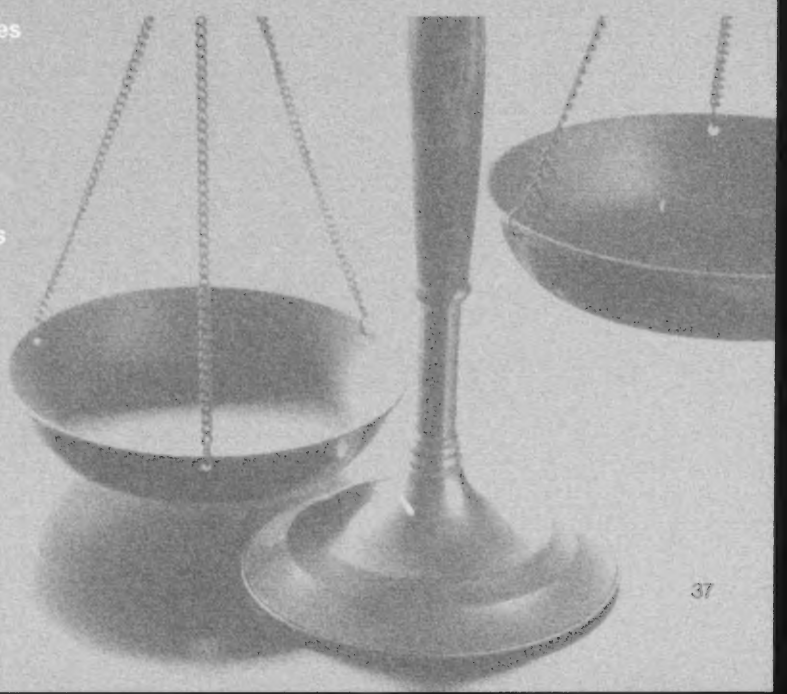
For the Military Police Complaints Commission (the Commission), 2013 was a year exemplifying accountability, transparency and professionalism in action.

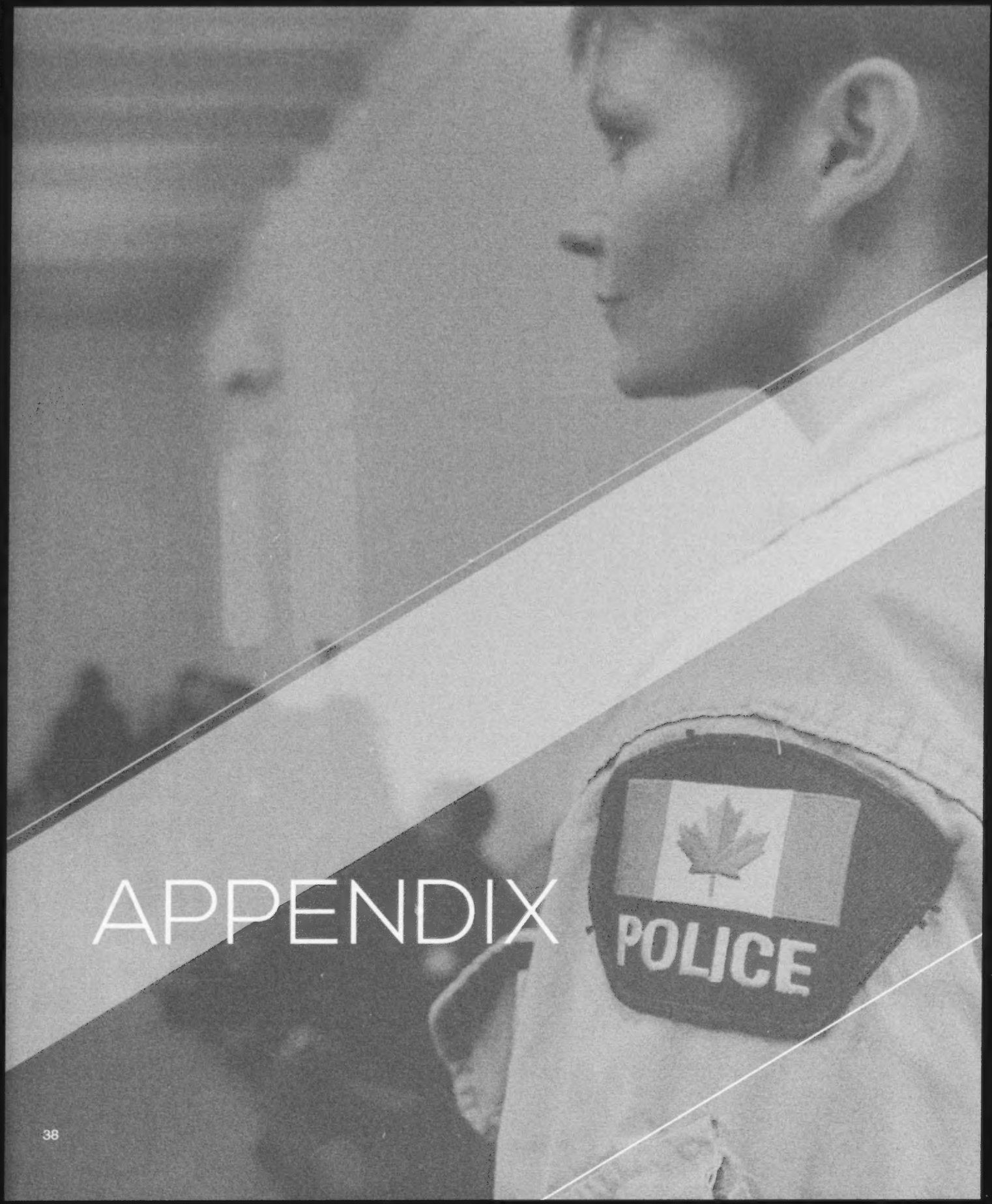
The Commission made great strides in implementing measures to keep stride with, or exceed, standards for federal government agencies in the management of human and financial resources, risk management, record-keeping, information security, workplace safety and security and a host of other areas. Over the coming year, the Commission will provide effective and sound management of its human and financial resources and assets, as well as ensure its compliance with applicable government legislation and policy requirements.

Despite a heavily increased workload stemming from growing demands in day-to-day operations and the requirements of the Fynes Public Interest Hearing, the Commission has met all of its obligations in a transparent and professional manner. The Commission will continue to promote the highest standards of conduct of Military Police (MP) in the performance of policing duties and discourage interference in any MP investigation.

This annual report describes the Commission's outreach activities and relationships with leadership in the Canadian Armed Forces and Department of National Defence, the MP, civilian police and legal communities. To advance common goals, the Commission will continue to work collaboratively with the Canadian Forces Provost Marshal, the chain of command, and the MP community as well as all of these partners and stakeholders.

The new amendments to the *National Defence Act* through the passage of Bill C-15 did not achieve all that the Commission had hoped to achieve. Nonetheless, the Commission believes many of the changes will strengthen the system of military justice, and will be monitoring the implementation of the changes in the year ahead.





APPENDIX

Biography of the Commission Chairperson

Glenn M. Stannard
Chairperson

Born, raised and educated in Windsor, Ontario, Mr. Stannard served with its city police service for 37 years. During this time, he was promoted through the ranks and has worked in all divisions of the service. In August 1995, Mr. Stannard was promoted to Deputy Chief of Police, Administration. His dedication to the city and its citizens was recognized in 1999 with his appointment as its Chief of Police, a position which he held until his retirement in February 2008. Mr. Stannard is also a past president of the Ontario Association of Chiefs of Police (OACP) and lifetime member of the OACP and of the Canadian Association of Chiefs of Police. In 2003, he was invested into the Order of Merit of the Police Forces by Her Excellency, the Governor General of Canada and he received the Queen's Jubilee Award in 2005.

Mr. Stannard was appointed as a part-time Commission Member in September 2007 and as the Commission Interim Chairperson in December 2009. He was subsequently appointed full-time Chairperson in June 2010. In addition to his chief executive officer duties, Mr. Stannard was a Panel member in the Afghanistan Public Interest Hearing (PIH) and presided over the Fynes PIH into the conduct of Military Police investigations related to the death of Corporal Stuart Langridge. Mr. Stannard has rendered decisions on numerous conduct and interference complaint files.

Biographies of the Commission Members

Roy V. Berlinquette
Commission Member

Roy V. Berlinquette, a recognized team builder with 36 years of public service with the Royal Canadian Mounted Police emerged from an entry-level position to senior executive levels in corporate, operational and administrative areas to Deputy Commissioner of the North West Region.

Mr. Berlinquette has acquired a wealth of knowledge and experience in his numerous years of dealing with government officials at municipal, provincial and federal levels, as well as positive relations at the international level.

His recent accomplishments include being a six-year member of the Office of the Oversight Commission on the Reform of the Police Service of Northern Ireland, and researcher and co-author of the Jerusalem Old City Security Initiative. He has been a principal of a consulting company specializing in risk management, comptrollership and investigations in Ottawa.

Mr. Berlinquette was appointed as a Commission Member in May 2007. Since that time, he has served as a Panel member on the Afghanistan PIH and has rendered decisions on numerous conduct and interference complaint files.

Steven Chabot
Commission Member

Mr. Chabot's 33 year career in the Sûreté du Québec police force includes patrol, investigative and senior executive experience. He was successively appointed Captain in charge of Carcajou Squad, Assistant Deputy Director General and Deputy Director General in various branches of the Sûreté du Québec. He has acted as an advisor to the Quebec government on questions pertaining to public security and has a keen interest in the professionalization of police forces and professional ethics. In 2006, Mr. Chabot was invested into the Order of Merit of the Police Forces by Her Excellency, the Governor General of Canada, and he was elevated in this Order to the rank of Commander in 2010. Mr. Chabot retired from the police force in 2010.

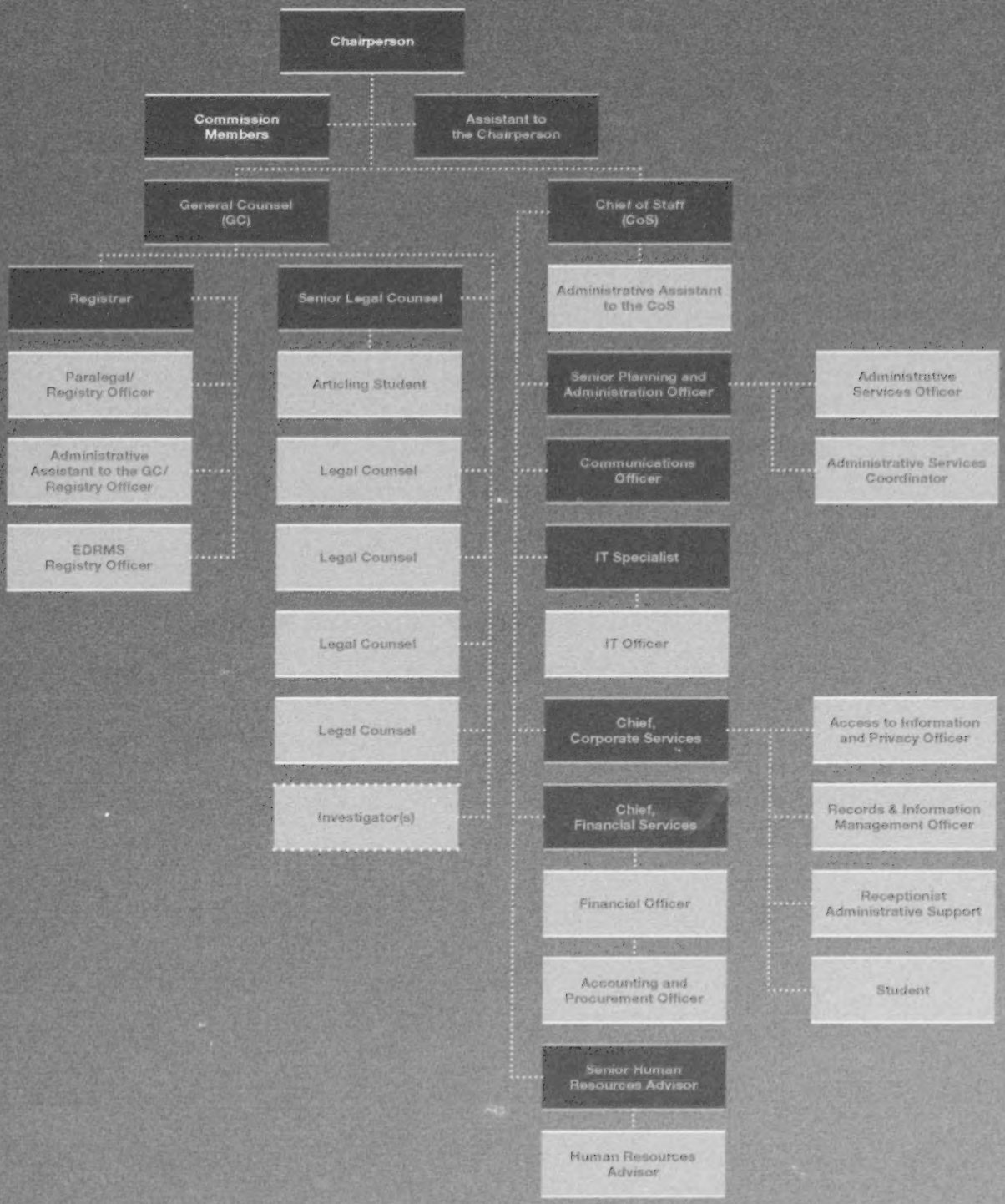
Mr. Chabot holds a master's degree in Public Management from the École nationale d'administration publique (ÉNAP) and is fluent in both French and English. He was appointed as a Commission Member in December 2011.

Hugh R. Muir
Commission Member

Mr. Muir served as a municipal police officer for a total of 40 years. His career began in 1971 with the Metropolitan Toronto Police Force until 1979, when he accepted a position with the Stellarton, Nova Scotia Police Department where he retired as the Acting Chief of Police in December, 2011. He received police related training at the Ontario Police College, Toronto Police College, Atlantic Police Academy and Henson College-Dalhousie University. Mr. Muir is a strong proponent of alternative dispute resolution in policing.

Mr. Muir is an active volunteer in the County of Pictou, Nova Scotia. He was invested as a Member of the Order of Merit for the Police Forces by Her Excellency the Governor General of Canada in 2007 and was appointed as a Commission Member in December 2011.

Organization Chart



How to reach the Commission

Call our information line:

613-947-5625 or toll-free at 1-800-632-0566

Send us a fax:

613-947-5713 or toll-free at 1-877-947-5713

Send us a letter:

Military Police Complaints Commission
270 Albert Street, 10th floor
Ottawa, ON K1P 5G8

Visit us at the above address for a private consultation – appointment recommended.

Send us an email:

commission@mpcc-cppm.gc.ca

Note: Please do not send confidential information via email; we cannot guarantee the security of electronic communications at this time.

Visit our website:

mpcc-cppm.gc.ca

Media inquiries:

613-944-9349 or
media@mpcc-cppm.gc.ca